

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1215 of 2016

- Hariom Tiwari S/o Shri Sushil Kumar Tiwari Aged About 33 Years R/o Modal Town Ward No. 1 Bhilai, P.S. Supela, District Durg, Civil And Rev. Distt. Durg Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Superintendent Of Police, Durg Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Rajendra Tripathi, Advocate
For the Respondent	:	Mr. Dilmanrati Minj, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10.03.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 635 of 2013 registered at P.S. Supela, Distt. Durg (C.G) for the offence punishable under Sections 376(D) of IPC and Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012
2. As per the prosecution case, the applicant has committed forcible sexual intercourse with the prosecutrix aged about 9 years.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in crime in question as on earlier occasion, the complainant and his family members have filed false complaints against the local residents. He further submits that the applicant is in jail since 23.10.2015 and the charge sheet in this case has been filed, therefore, he may be

enlarged on bail.

4. On the other hand, learned State Counsel opposes the bail application.
5. Taking into consideration the totality of the facts and circumstances of the case particularly the age of prosecutrix who is said to be 9 years old on the date of incident, this court is of the opinion that present is not a fit case to enlarge the applicant on bail.
6. Accordingly the bail application filed u/s 439 Cr.P.C., is rejected.

Sd/-

**SANJAY K. AGRAWAL
JUDGE**